

Azevedo, George

From: Pierard, Kevin
Sent: Wednesday, March 20, 2013 10:54 AM
To: Azevedo, George
Subject: FW: WI Phosphorus Criteria Implementation

From: Kevin Pierard [mailto:Pierard.Kevin@epamail.epa.gov]
Sent: Wednesday, March 20, 2013 10:49 AM
To: Pierard, Kevin
Subject: Fw: WI Phosphorus Criteria Implementation

----- Forwarded by Kevin Pierard/R5/USEPA/US on 03/20/2013 10:48 AM -----

From: Stephen Jann/R5/USEPA/US
To: Kevin Pierard/R5/USEPA/US@EPA
Date: 06/19/2012 09:09 AM
Subject: Re: Fw: WI Phosphorus Criteria Implementation

I provided a draft letter to George and Gaylene on 5/16. George responded indicating that he does not have comments. I have not heard from Gaylene. Left a vm today (she is out). I will try to connect tomorrow.

Stephen M. Jann
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Kevin Pierard---06/19/2012 07:05:51 AM---Steve - I assume the approval package was signed, what is the timeframe for a response to Betsy conc

From: Kevin Pierard/R5/USEPA/US
To: Stephen Jann/R5/USEPA/US@EPA,
Date: 06/19/2012 07:05 AM
Subject: Fw: WI Phosphorus Criteria Implementation

Steve - I assume the approval package was signed, what is the timeframe for a response to Betsy concerning the DNR guidance?

----- Forwarded by Kevin Pierard/R5/USEPA/US on 06/19/2012 07:04 AM -----

From: Betsy Lawton <BLawton@midwestadvocates.org>
To: Stephen Jann/R5/USEPA/US@EPA, Kevin Pierard/R5/USEPA/US@EPA, George Azevedo/R5/USEPA/US@EPA
Date: 06/07/2012 02:23 PM
Subject: WI Phosphorus Criteria Implementation

Hi Kevin, Steve and George –

I wanted to briefly touch base regarding implementation of the phosphorus water quality criteria in Wisconsin.

As I am preparing to meet with a group of individuals and business owners concerned about the phosphorus impairments in the Petenwell and Castle Rock Lakes, I was reviewing the draft WPDES permit for the Domtar facility in Nekoosa, and wanted to highlight a few concerns related to the phosphorus terms in that draft permit. MEA's comments on the proposed permit are attached, but I wanted to mention a few additional issues:

- It does not appear that DNR performed a Reasonable Potential Analysis to determine whether the Domtar discharge causes or contributes to the downstream phosphorus impairments in the Petenwell and Castle Rock lakes, and set appropriate WQBELs to protect these severely impaired downstream waters. Both state and federal law require this analysis and necessary limits – and the analysis is particularly important where, as here, the downstream waters are more sensitive to phosphorus pollution than the direct receiving water and the applicable phosphorus criteria are lower than the criteria applicable at the end of the dischargers pipe. We understand from the attached documents (P WLA WI R South.pdf) that “there are ongoing monitoring and modeling efforts in the Wisconsin River Basin which will result in water quality based effluent limitations under s NR 217.13(1)(b) and/or a TMDL within the next five years.” However, WDNR must include WQBELs in the final permit for Domtar if the discharger “has the reasonable potential to cause or contribute to an exceedance of the criteria in s. NR 102.06 in either the receiving water or downstream waters” (NR 217.12). DNR must not wait until the next permit issuance to make this determination and set appropriate phosphorus WQBELs, - which could expose the already impaired waterway to unacceptable inputs of phosphorus for the next 14 years (assuming DNR provides a 9 year compliance schedule during the next permit).
- The compliance schedule included in the proposed permit states that final dates for compliance are “for informational purposes only” and do not take effect until the next permit reissuance. We remain concerned that if WDNR is not able to reissue the permit in 5 years, the proposed compliance schedule does not require final compliance with the WQBEL.
- According to the fact sheet, Domtar's average monthly discharge is .54 mg/L, yet DNR is proposing a 9 year compliance schedule to meet the proposed .63 mg/L monthly phosphorus WQBEL (only one sample in the last year has exceeded the proposed limit). A compliance schedule to meet a limit the facility is already capable of meeting is not appropriate. (We also remain concerned that a 9 year compliance schedule is not necessary to meet any of the proposed WQBELs – see attached comments for more details)
- DNR did not make the requisite showing that monthly and weekly average limits are impracticable prior to establishing yearly annual limits.
- It is unclear, why DNR, despite data indicating the upstream concentration of Phosphorus exceeds the applicable .1 mg/L phosphorus criteria, based WQBEL calculations on an upstream phosphorus concentration of .095 mg/L

I have also attached a letter MEA and ELPC recently sent to WDNR (MEA ELPC Phosphorus Implementation.pdf), that highlights some of the more recent general concerns we have identified in reviewing draft WPDES permits.

Thanks much,
Betsy

Betsy Lawton
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***** ATTACHMENT NOT DELIVERED *****

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For further information, please contact the EPA Call Center at (866) 411-4EPA (4372). The TDD number is (866) 489-4900.

***** ATTACHMENT NOT DELIVERED *****

[attachment "MEA ELPC Phosphorus Implementation.pdf" deleted by Kevin Pierard/R5/USEPA/US] [attachment "P_Background Memo_to_EPA 2012 02 27 FINAL WITH FOOTNOTES.pdf" deleted by Kevin Pierard/R5/USEPA/US] [attachment "Comments on Draft WPDES Permit No. WI-0003620-00-0, Domtar A.W., LLC..pdf" deleted by Kevin Pierard/R5/USEPA/US] [attachment "P WLA WI R South.pdf" deleted by Kevin Pierard/R5/USEPA/US] [attachment "domtar_perm.pdf" deleted by Kevin Pierard/R5/USEPA/US]